



Entered on Docket  
January 30, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,<sup>1</sup>

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,<sup>2</sup>

USA Securities, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR,  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR,  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE  
PRESERVE AT GALLERIA, LLC  
LOAN**

Hearing Date: January 22, 2009

Hearing Time: 9:30 a.m.

**Affects:**

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund,  
LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

<sup>1</sup> This bankruptcy was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus  
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon  
3 Investment in the Preserve At Galleria, LLC Loan (the "Objection") [DE 6641]. Adequate  
4 notice of the Objection was given. The Court heard the Objection on January 22, 2009.  
5 No responses were filed to the Objection and no opposition was raised at the hearing.  
6 Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they  
10 are based upon an investment in the Preserve At Galleria, LLC Loan. The  
11 Proofs of Claim listed in Exhibit A are not affected by this order to the extent  
12 they are based upon an investment in a loan(s) other than the Preserve At  
13 Galleria, LLC Loan; and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to  
15 further object to the Proofs of Claim listed on Exhibit A attached.

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17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ John Hinderaker (#18024)  
20 Rob Charles  
21 John Hinderaker  
*Attorneys for USACM Liquidating Trust*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

**LEWIS AND ROCA LLP**

By: /s/ John Hinderaker (#18024)  
Rob Charles  
John Hinderaker  
*Attorneys for USACM Liquidating Trust*

**PRESERVE AT GALLERIA LOAN  
THIRD OMNIBUS OBJECTION**

**EXHIBIT A  
Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Preserve at Galleria Loan</b>
<b>10725-02071</b>	Robert R. Rodriguez	5748 Newberry Point Drive Flowery Branch, GA 30542	\$329,977.39	\$25,000.00
<b>10725-01214</b>	Phillip Rulon	2800A Wrondel Way Reno, NV 89502	\$503,479.62	\$82,332.41
<b>10725-00893</b>	Joyce E. Smith Trust Dated 11/3/99	c/o Joyce E. Smith Trustee 3080 Red Springs Drive Las Vegas, NV 89135-1548	\$853,678.82	\$80,478.95
<b>10725-02428</b>	Tiki Investment Enterprises LP	2578 Highmore Avenue Henderson, NV 89052	\$1,200,128.00	\$75,000.00
<b>10725-02416</b>	Gerry Topp	10745 West River Street Truckee, CA 96161	\$260,703.10	\$25,000.00
<b>10725-02299</b>	Zawacki A. California LLC	P.O. Box 5156 Bear Valley, CA 95223- 5156	\$1,500,000.00	\$50,000.00